

[No Report.]

JANUARY 20, 1847.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. WILLIAM W. CAMPBELL, from the Select Committee on the
Revision of the Consular System, reported the following bill:

A BILL

To revise the consular system of the United States.

Be it enacted by the Senate and House of Representatives
of the United States of America in Congress assembled, That
after the _____ day of _____,
the President of the United States shall, by and with the advice
and consent of the Senate, appoint consuls for the United States
to reside at the following places, who shall receive, during their
continuance in office, an annual compensation for their services
not exceeding the amount herein named for each :

9 BRITISH DOMINIONS.

10 Liverpool, four thousand dollars ;

11 London, four thousand dollars ;

12 Cowes, (Isle of Wight,) two thousand dollars ;

13 Glasgow, two thousand dollars ;

14 Belfast, two thousand dollars ;

15 Kingston, (Jamaica,) twenty-five hundred dollars ;

16 Nassau, (Bahama islands,) two thousand dollars ;

- 17 Turk's Island, fifteen hundred dollars ;
- 18 Pictou, fifteen hundred dollars ;
- 19 Halifax, fifteen hundred dollars ;
- 20 Bermuda, two thousand dollars ;
- 21 Gibraltar, two thousand dollars ;
- 22 Sidney, (New South Wales,) two thousand dollars ;
- 23 Demarara, two thousand dollars ;
- 24 Hong-Kong, twenty-five hundred dollars ;
- 25 Bombay, twenty-five hundred dollars ;
- 26 Calcutta, twenty-five hundred dollars ;
- 27 Singapore, twenty-five hundred dollars.

28 **RUSSIA.**

- 29 St. Petersburg, fifteen hundred dollars ;
- 30 Odessa, fifteen hundred dollars.

31 **FRENCH DOMINIONS.**

- 32 Havre, three thousand dollars ;
- 33 Paris, twenty-five hundred dollars ;
- 34 Marseilles, two thousand dollars ;
- 35 Bordeaux, fifteen hundred dollars.

36 **SPANISH DOMINIONS.**

- 37 Cadiz, fifteen hundred dollars ;
- 38 Malaga, fifteen hundred dollars ;
- 39 Havana, four thousand dollars ;
- 40 Matanzas, fifteen hundred dollars ;
- 41 Trinidad de Cuba, fifteen hundred dollars ;

42 St. John's, (Porto Rico,) two thousand dollars ;

43 Teneriffe, (Canary,) fifteen hundred dollars ;

44 Manilla, (Philippine,) fifteen hundred dollars.

45 **PORTUGUESE DOMINIONS.**

46 Oporto, fifteen hundred dollars ;

47 Fayal, (Azores,) fifteen hundred dollars ;

48 St. Iago, (Cape de Verd,) fifteen hundred dollars.

49 **BELGIUM.**

50 . Antwerp, fifteen hundred dollars.

51 **DUTCH DOMINIONS.**

52 Amsterdam, two thousand dollars ;

53 Rotterdam, fifteen hundred dollars ;

54 Batavia, two thousand dollars.

55 **DANISH DOMINIONS.**

56 Elsinour, fifteen hundred dollars ;

57 St. Croix, (West Indies,) fifteen hundred dollars.

58 **SWEDEN AND NORWAY.**

59 Gottenburg, fifteen hundred dollars.

60 **AUSTRIA.**

61 Trieste, fifteen hundred dollars.

62 **HANSEATIC TOWNS.**

63 Bremen, two thousand dollars ;

64 Hamburgh, fifteen hundred dollars.

65 **STATES OF THE ZOLL-VEREIN.**

66 Frankfort-on-the-Maine, two thousand dollars.

67 **SWITZERLAND.**

68 Basle, two thousand dollars.

69 **SARDINIA.**

70 Genoa, fifteen hundred dollars.

71 **TUSCANY.**

72 Leghorn, two thousand dollars.

73 **PONTIFICAL STATES.**

74 Rome, fifteen hundred dollars.

75 **KINGDOM OF THE TWO SICILIES.**

76 Naples, fifteen hundred dollars;

77 Palermo, fifteen hundred dollars.

78 **TURKISH DOMINIONS.**

79 Constantinople, fifteen hundred dollars;

80 Smyrna, two thousand dollars;

81 Beyrout, two thousand dollars.

82 **EGYPT.**

83 Alexandria, two thousand dollars.

84 **GREECE.**

85 Athens, two thousand dollars.

86 **BARBARY STATES.**

87 Tangier, two thousand dollars;

88 Tunis, two thousand dollars;

89 Tripoli, two thousand dollars.

90 **DOMINIONS OF THE IMAUM OF MUSCAT.**

91 Muscat, two thousand dollars.

Canton, three thousand dollars ;

Nankin or Shang-hai, two thousand dollars.

SANDWICH ISLANDS.

Honolulu, three thousand dollars.

SOCIETY ISLANDS.

Tahiti, two thousand dollars.

NEW ZEALAND.

Bay of Islands, two thousand dollars.

HAYTI.

Port-au-Prince, two thousand dollars.

MEXICAN REPUBLIC.

Vera Cruz, two thousand dollars ;

Monterey, two thousand dollars.

CENTRAL AMERICA.

Guatemala, two thousand dollars.

NEW GRENADA.

Panama, two thousand dollars.

VENEZUELA.

Puerto Cabello, fifteen hundred dollars.

ECUADOR.

Guayaquil, two thousand dollars.

BRAZILS.

Rio de Janeiro, three thousand dollars.

URUGUAY.

116

117 Montevideo, two thousand dollars.

118 BUENOS AYRES.

119 Buenos Ayres, fifteen hundred dollars.

120 CHILI.

121 Valparaiso, two thousand dollars.

122 PERU.

123 Paita, two thousand dollars.

124 No person shall be appointed to either of the consulates
125 aforementioned who is not a citizen of the United States, and a
126 resident thereof, unless abroad in the employment of the govern-
127 ment, at the time he is nominated by the President; nor shall
128 any consul engage either directly or indirectly in commercial or
129 mercantile pursuits, or be connected with ship brokers or ship
130 agencies, under the penalty of being recalled, and fined in a sum
131 not less than two thousand dollars.

1 SEC. 2. *And be it further enacted*, That consuls who shall
2 be appointed to Tangier, Tunis, Tripoli, Athens, Alexandria,
3 Leghorn, Rome, Basle, Hamburgh, Bremen, Frankfort on-the-
4 Maine, Honolulu, Muscat, Bay of Islands, Montevideo, Guaya-
5 quil, Guatemala, and Port-au-Prince, shall, in addition to the
6 consular duties hereinafter mentioned, be invested with diplo-
7 matic powers, and authorized, when necessity may require, to
8 communicate with the government of the country in which
9 they reside, through the proper department.

1 **SEC. 3. *And be it further enacted,*** That no person shall
2 be permitted hereafter to hold the appointment of consul in any
3 one consular district for a longer period than ten years; nor
4 shall any one be recalled under four years, unless for good and
5 sufficient cause, which must be satisfactory to the Senate of the
6 United States.

1 **SEC. 4. *And be it further enacted,*** That no consul shall be
2 permitted to absent himself from his consulate longer than thirty
3 days in every twelve months, without having obtained permis-
4 sion to do so from the State Department; and that even with
5 such permission, which in nowise shall extend beyond ninety
6 days, his salary shall be discontinued during the time he is away
7 from his consular residence; and, furthermore, he shall not at
8 any time leave the office in charge of any person but an Ameri-
9 can citizen, and one who is in no way connected with commer-
10 cial houses, and for whose official acts he will be held account-
11 able. The consular office shall be located invariably in as
12 central business position as can conveniently be procured, and
13 designated by the arms of the United States over its entrance;
14 and shall be kept open daily, (Sundays, other holydays and an-
15 niversaries, which are observed in the United States and in the
16 country wherein it is established, excepted,) from ten o'clock in
17 the morning until three o'clock in the afternoon. The salary
18 of consuls shall commence with the day upon which they shall
19 be at their consulates ready to enter upon the discharge of their

20 duties, after receiving their exequaturs, or obtaining a provisional
21 recognition from the local authorities.

1 SEC. 5. *And be it further enacted,* That as soon as a consul
2 is officially notified of his appointment, he shall execute a bond,
3 with two or more sureties, in a sum of not less than two nor
4 more than ten thousand dollars, for the faithful discharge of
5 every duty relating to his office, which bond shall be satisfactory
6 to the United States marshal for the district in which the consul
7 resides, and be transmitted to the Secretary of State for his ap-
8 proval. If the consul is not in the United States at the time
9 he is commissioned, as soon as he is apprized of the fact he shall
10 sign, and transmit by the most expeditious conveyance, a bond
11 like the aforesaid, which shall afterwards be undersigned by two
12 or more sureties, who are permanent residents of the United
13 States, and approved by the State Department. Where there
14 is a United States legation in a country to which a consul is ap-
15 pointed, application shall be made through it to the government
16 for an exequatur ; but, where there is none, the application shall
17 be made direct to the proper department.

1 SEC. 6. *And be it further enacted,* That consuls shall, as
2 the most important of their numerous duties, correspond regu-
3 larly with the Department of State once in every three months,
4 and more frequently if occasion requires. Any neglect to do so,
5 when satisfactorily ascertained, shall be ample cause for their
6 dismissal from office. They shall embody in their letters all in-

7 formation that can in any manner be useful to their country,
 8 concerning the power or State to which they are accredited,
 9 such as the condition of agriculture, manufactures, the arts and
 10 sciences, education, commerce, navigation, new laws and edicts
 11 bearing directly or remotely upon the interests of the United
 12 States, together with an account of such public events that
 13 transpire as may be deemed worthy of notice. While it shall
 14 be imperative upon them to watch vigilantly over the interests
 15 of the United States, they shall take great care not to give of-
 16 fence to the authorities or to the people of the consular district
 17 in which they reside, scrupulously abstaining from all participa-
 18 tion in political and other exciting questions which may be agi-
 19 tated from time to time.

1 *SEC. 7. And be it further enacted,* That it shall be the
 2 duty of consuls to charge the following fees for performing the
 3 services specified, which they shall account for to the government
 4 at the expiration of every three months, and hold the proceeds
 5 at all times subject to its drafts: For receiving and delivering
 6 ships' papers, one cent on every ton, registered measurement, of
 7 the vessel for which the service is performed; for every seaman
 8 who may be discharged or shipped before them, or in the port
 9 at which they reside, one dollar, which shall be paid by the
 10 master of the vessel; for every other certificate, including pass-
 11 ports, authenticated by the consular seal, two dollars. Consuls
 12 shall grant passports to American citizens, but they shall require

13 satisfactory evidence from persons applying for them that they
14 are not aliens. In cases where this fact is not clearly established,
15 they shall not be granted. In any instance where a consul
16 shall, under the consular seal, grant a certificate to an alien as
17 an American citizen, knowing him to be an alien, he shall be
18 forthwith dismissed from office, and ever afterwards rendered
19 ineligible to any office of profit or trust under this government.

1 SEC. 8. *And be it further enacted*, That, any law to the
2 contrary notwithstanding, no commission shall in future be
3 charged by consuls or vice-consuls for receiving or disbursing
4 the wages or extra wages to which seamen may be entitled who
5 are discharged by the masters of vessels in foreign countries, or
6 for moneys advanced to such as may be found in distress, seek-
7 ing relief from the consulate; nor shall any consul be directly
8 or indirectly interested in any profits derived from clothing,
9 boarding, or sending home such seaman.

1 SEC. 9. *And be it further enacted*, That no consul, vice-
2 consul, or commercial agent of the United States shall discharge
3 any mariner, being a citizen of the United States, in a foreign
4 port, without requiring the payment of the two months' wages
5 to which said mariner is entitled under the provisions of the
6 act of February twenty-eighth, eighteen hundred and three, un-
7 less upon due investigation into the circumstances under which
8 the master and mariner have jointly applied for such discharge,
9 and, on a private examination of such mariner by the consul or

10 'vice consul, separate and apart from all officers of the vessel, the
 11 consul, vice-consul, or commercial agent shall be satisfied that it
 12 is for the interest and welfare of such mariner to be so dis-
 13 charged ; nor shall any consul, vice-consul, or commercial agent
 14 discharge any mariner as aforesaid, without requiring the full
 15 amount of three months' wages, as provided by the above-named
 16 act, unless under such circumstances as will, in his judgment,
 17 secure the United States from all liability to expense on account
 18 of such mariner : *Provided*, That in the cases of stranded ves-
 19 sels, or vessels condemned as unfit for service, no payment of
 20 extra wages shall be required. And where any mariner, after
 21 his discharge, shall have incurred expense at the port of dis-
 22 charge before shipping again, such expense shall be paid out of
 23 the two months' wages aforesaid, and the balance only be deliv-
 24 ered to him.

1 SEC. 10. *And be it further enacted*, That every consul, vice-
 2 consul, and commercial agent of the United States shall keep a
 3 detailed list of all mariners discharged by them, respectively,
 4 specifying their names, and the names of the vessels from which
 5 they were discharged, and the payments (if any) which were
 6 required on the discharge of each, and the amount of public
 7 money (if any) which was afterwards expended on account of
 8 each, and shall make official returns of said lists half-yearly to
 9 the Treasury Department.

1 SEC. 11. *And be it further enacted*, That every consul, vice-

2 consul, and commercial agent of the United States shall make
 3 an official entry of every discharge which they shall grant, re-
 4 spectively, on the list of the crew and shipping articles of the
 5 vessel from which such discharge shall be made, specifying the
 6 payment (if any) which has been required in each case; and
 7 if they shall have remitted the payment of the two months'
 8 wages to which the mariner is entitled, they shall also certify
 9 on said shipping list and articles that they have allowed the re-
 10 mission, upon the joint application of the master and mariner
 11 therefor, after a separate examination of the mariner, after a due
 12 investigation of all the circumstances, and after being satisfied
 13 that the discharge so allowed without said payment is for the in-
 14 terest and welfare of the mariner; and if they shall have remit-
 15 ted the payment of the one month's wages to which the United
 16 States is entitled, they shall certify that they have allowed the
 17 remission, after a due investigation of all the circumstances, and
 18 upon being satisfied that they are such as will, in their judg-
 19 ment, secure the United States from all liability to expense on
 20 account of such mariner; and a copy of all such entries and
 21 certificates shall be annually transmitted to the Treasury De-
 22 partment by the proper officer of the customs in the several ports
 23 of the United States.

1 **SEC. 12.** *And be it further enacted,* That if any consul,
 2 vice-consul, or commercial agent of the United States, upon dis-
 3 charging a mariner without requiring the payment of the one

4 month's wages to which the United States is entitled, shall neg-
 5 lect to certify in the manner required in such case by the third
 6 section of this act, he shall be accountable to the Treasury De-
 7 partment for the sum so remitted. And in any action brought
 8 by a mariner to recover the extra wages to which he is entitled
 9 under the act of February twenty-eighth, eighteen hundred and
 10 three, the defence that the payment of such wages was duly re-
 11 mitted shall not be sustained without the production of the cer-
 12 tificate in such case required by this act, or, when its non-pro-
 13 duction is accounted for, by the production of a certified copy
 14 thereof; and the truth of the facts certified to, and the proprie-
 15 ty of the remission, shall be still open to investigation,

1 *SEC. 13. And be it further enacted,* That if, upon the
 2 application of any mariner, it shall appear to the consul, vice-
 3 consul, or commercial agent that he is entitled to his discharge
 4 under any act of Congress, or according to the general principles
 5 of the maritime law, as recognised in the United States, he shall
 6 discharge such mariner, and shall require of the master the pay-
 7 ment of three months' wages, as provided in the act of February
 8 twenty-eighth, eighteen hundred and three, and shall not remit
 9 the same, nor any part thereof, except in the cases mentioned in
 10 the proviso of the ninth clause of the first section of the act of
 11 July twentieth, eighteen hundred and forty, and in the proviso
 12 of the ninth section of this act,

1 *SEC. 14. And be it further enacted,* That every consul,

2 vice-consul, and commercial agent, for any neglect to perform
3 the duties enjoined upon him by this act, shall be liable to any
4 injured person for all damage occasioned thereby; and, for any
5 violation of the provisions of the ninth and thirteenth sections of
6 this act, shall also be liable to indictment, and to a penalty, in the
7 manner provided by the eighteenth clause of the first section of
8 the act of July twentieth, eighteen hundred and forty.

1 SEC. 15. *And be it further enacted,* That the act of April
2 fourteenth, seventeen hundred and ninety-two, concerning con-
3 suls, &c., is hereby so amended, that if any American citizen
4 dying abroad shall, by will or any other writing, leave special
5 directions for the management and settlement by the consul of
6 the personal or other property which he may die possessed of
7 in the country where he may die, it shall be the duty of the
8 consul, where the laws of the country permit, strictly to observe
9 the directions so given by the deceased. Or, if such citizen so
10 dying shall, by will or any other writing, have appointed any
11 other person than the consul to take charge of and settle his af-
12 fairs, in that case it shall be the duty of the consul, when and
13 so often as required by the so appointed agent or trustee of the
14 deceased, to give his official aid in whatever way may be necessary
15 to facilitate the operations of such trustee or agent, and, where the
16 laws of the country permit, to protect the property of the de-
17 ceased from any interference of the local authorities of the
18 country in which he may have deceased; and to this end, it

19 shall also be the duty of the consul to place his official seals on
 20 all or any portions of the property of the deceased as may be
 21 required by the said agent or trustee, and to break and remove
 22 the same seals when required by the said agent or trustee, and
 23 not otherwise ; he, the said consul, receiving therefor the fees
 24 prescribed by law, viz : two dollars for each and every seal ;
 25 which last-mentioned fees, together with such other fees and
 26 commissions as are now allowed by existing laws on settlement
 27 of estates of American citizens by consuls, vice-consuls, and com-
 28 mercial agents, may be received and retained by consuls, vice-
 29 consuls, and commercial agents, in addition to their respective
 30 salaries as provided for by this act.

1 *Sec. 16. And be it further enacted,* That the following
 2 record books shall be kept in each consulate, which under no
 3 circumstances shall be subjected to the inspection of foreigners :
 4 A letter book, into which shall be copied, in the English lan-
 5 guage, all official letters and notes, in the order of their dates,
 6 which are written by the consul ; a book for the entry of pro-
 7 tests, and in which all other official consular acts likewise shall
 8 be recorded ; and, at seaports, a book wherein shall be recorded
 9 the list of crew and the age, tonnage, owner or owners, name
 10 and place to which she belongs, of every American vessel which
 11 arrives. Consuls shall make quarterly returns to their govern-
 12 ment, specifying the amount of fees received ; the number of
 13 vessels, and the amount of their tonnage, which have arrived and

14 departed ; the number of seamen, and what portion of them are
 15 protected ; and, as nearly as possible, the nature and value of
 16 their cargoes, and where produced.

1 SEC. 17. *And be it further enacted*, That the President of
 2 the United States shall, by and with the advice and consent of
 3 the Senate, appoint vice-consuls of the United States, to reside at
 4 the following ports and places, who shall receive, from the day
 5 on which their exequaturs are dated by the State to which they
 6 are accredited, an annual compensation of five hundred dollars
 7 each, and who shall be permitted to transact commercial and
 8 other business: Bristol, Falmouth, Plymouth, Kingston-upon-
 9 Hull, Dublin, Londonderry, Cork, Galway, Island of Malta,
 10 Cape Town, (Cape of Good Hope,) St. Helena, St. John's, Ho-
 11 bart-Town, Riga, Archangel, Stettin, Nantes, St. Pierre, (Mar-
 12 tinique,) Point-a-Petre, (Gaudaloupe,) Cayenne, Algiers, Bar-
 13 celona, Lisbon, Port Mahon, St. Iago de Cuba, Funchal,
 14 (Madeira,) Curaçoa, (W. I.) St. Thomas, Venice, Ancona,
 15 Messina, Zanzibar island, Apia, (Navigator islands,) Ovelau,
 16 (Pejee islands,) Aux Cayes, Cape Haytien, Tampico, Matamoras,
 17 Tabasco, Santa Martha, Maracaibo, Laguayra, Marenham island,
 18 Pera, Pernambuco, Santos, St. Catharine's island, Bahia or St.
 19 Salvador, Rio Negro, Talcahuano, Coquimbo, Ponce, Amoy,
 20 Fouchonfou, Ningpoo.

1 SEC. 18. *And be it further enacted*, That no other than citi-
 2 zens of the United States shall be appointed vice-consuls thereof,

3 nor shall they be continued in office for a longer period than
 4 twelve years, or removed therefrom, unless for dereliction of
 5 duty, under six years. They shall demand no other or larger
 6 fees than those permitted to be received by consuls for a similar
 7 service, and they shall report the nature and amount of them
 8 semi-annually to the State Department, holding the proceeds at
 9 all times subject to the drafts of the government. They shall
 10 enter into a bond, with one or more sureties, to be approved by
 11 the Secretary of State, in a sum of not less than five hundred
 12 dollars nor exceeding two thousand dollars, for the faithful per-
 13 formance of their duties.

1 SEC. 19. *And be it further enacted,* That vice-consuls shall,
 2 and they are hereby empowered, to do all official acts which
 3 consuls may, under the provisions of this act, or any other exist-
 4 ing act, do, (except granting passports,) subjecting themselves to
 5 the same penalties that consuls are subjected to for any abuse
 6 of the trusts conferred upon them, or those who in their absence
 7 may act for them. Vice-consuls shall write semi-annually, at
 8 least, and more frequently if occasion requires, to the State De-
 9 partment, and communicate such information as is required to
 10 be communicated by consuls. The vice-consular books shall
 11 be kept with the other archives of the office, in a secure place,
 12 where no one can examine them but the vice-consul himself, or
 13 such person as he shall intrust them with when necessarily
 14 away from his post.

1 SEC. 20. *And be it further enacted,* That as soon as a con-
 2 sul has received his exequatur, or been provisionally recognised,
 3 he shall apply to his predecessor for the archives of the consu-
 4 late, and make an inventory of the papers, and such other articles
 5 as they may contain, for which he shall pass a receipt and
 6 transmit a copy thereof to the State Department. If there are
 7 any funds in the office belonging to the government, he shall de-
 8 mand and receive them.

1 SEC. 21. *And be it further enacted,* That five per centum
 2 upon their salaries shall be allowed annually by the United
 3 States to consuls and vice-consuls, upon and in addition to their
 4 annual compensation, to defray the expense of postage, station-
 5 ery, and flag, arms, and seal of the United States.

1 SEC. 22. *And be it further enacted,* That hereafter no new
 2 consulate shall be established, except such as are herein mention-
 3 ed, unless by act of Congress ; but the President, whenever it
 4 may appear to him necessary, is hereby authorized to enlarge
 5 any consular district, or add to it other allegiances.

1 SEC. 23. *And be it further enacted,* That the Secretary of
 2 State shall, as soon as a consul or vice-consul is confirmed by
 3 the Senate, furnish him with a copy of this act, accompanied by
 4 all acts of the United States now in force which relate to the
 5 masters of vessels and seamen, together with such instructions
 6 as shall seem necessary to enable him to understand distinctly
 7 the nature and extent of his duties. And such consuls and vice-

8 consuls shall be subject to, and shall implicitly obey and follow,
9 all general rules and orders of the Department of State which
10 may hereafter be made, not inconsistent with this act; and the
11 Secretary of State is hereby authorized and empowered to make
12 such general orders and regulations as, in his judgment, may be
13 necessary to give this act efficiency.

1 *SEC. 24. And be it further enacted,* That there shall be
2 organized, under the direction of the Secretary of State, a bureau
3 to be known as the Consular Bureau, which shall consist of a
4 chief of said bureau, who shall receive a salary not exceeding
5 twenty-five hundred dollars, and such clerks, not exceeding two,
6 as may be found necessary; and that all correspondence to and
7 from the consuls and vice-consuls shall be carried on through
8 said bureau. And it shall be the duty of said chief of said bu-
9 reau to make up an annual statement of the transactions of the
10 consular establishment, and which shall contain a full and com-
11 plete summary of the information derived by or through said
12 consuls and vice-consuls; and which annual statement and sum-
13 mary shall, on or before the first day of January in each year, be
14 communicated by the Secretary of State to Congress.